

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID CARLTON BROWN

Petitioner,

vs.

MATTHEW CATE, Secretary of the California
Department of Corrections and Rehabilitation,

Respondent.

Civil No. 08cv0017-JM (NLS)

**ORDER SUA SPONTE
SUBSTITUTING RESPONDENT**

On January 2, 2008, Petitioner, a state prisoner proceeding pro se, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

At the time of filing, Petitioner was apparently housed at the California Institution for Men in Chino, California, and thus named M. E. Poulis, Warden, as Respondent. Based on Petitioner's notice of change of address filed with the Court on May 16, 2008, it appears Petitioner is no longer housed at the California Institution for Men; rather, it appears he has been paroled to the California Department of Corrections, Paroles and Community Services Division, El Cajon Unit, and resides in Chino, California.


A writ of habeas corpus acts upon the custodian of the state prisoner. See 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner is on parole, his custodian has changed from the warden of the prison at which he was housed to the Secretary of the California

1 Department of Corrections and Rehabilitation, the chief official of the state agency charged with
2 supervision of parolees. Accordingly, in order to conform with the requirements of Rule 2(a)
3 of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner's
4 parole agent changes, the Court hereby sua sponte **ORDERS** the substitution of Matthew Cate,
5 Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place
6 of M. E. Poulis.

7 The Clerk of the Court shall modify the docket to reflect the new respondent in place of
8 "M. E. Poulis."

9 **IT IS SO ORDERED.**

10 DATED: May 30, 2008

11 
12 Hon. Nita L. Stormes
13 U.S. Magistrate Judge

14 CC: ALL PARTIES
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